

EXHIBIT 8

From: [Bernick, Justin W.](#)
To: [Sosnowsky, Mark \(ATR\)](#)
Cc: [Repp, Liles \(USAMN\)](#); [Friedman, William \(ATR\)](#); [Eberstadt Beattie, Zoe \(ATR\)](#); [Monts, William L., III](#); [Phibbs, Liam E.](#); [Congdon, James \(ATR\)](#); [Dominguez-Reese, Silvia \(ATR\)](#); [Nelson, Peter \(ATR\)](#); [Kim, Eun-Ha \(ATR\)](#)
Subject: [EXTERNAL] RE: United States v. Agri Stats, Inc., Case No. 0:23-cv-03009 (D. Minn.)
Date: Tuesday, October 3, 2023 4:32:57 PM

Thanks, we will get our motion on file.

From: Sosnowsky, Mark (ATR) <Mark.Sosnowsky@usdoj.gov>
Sent: Tuesday, October 3, 2023 4:30 PM
To: Bernick, Justin W. <justin.bernick@hoganlovells.com>
Cc: Repp, Liles (USAMN) <Liles.Repp@usdoj.gov>; Friedman, William (ATR) <William.Friedman2@usdoj.gov>; Eberstadt Beattie, Zoe (ATR) <Zoe.EberstadtBeattie@usdoj.gov>; Monts, William L., III <william.monts@hoganlovells.com>; Phibbs, Liam E. <liam.phibbs@hoganlovells.com>; Congdon, James (ATR) <James.Congdon@usdoj.gov>; Dominguez-Reese, Silvia (ATR) <Silvia.Dominguez-Reese2@usdoj.gov>; Nelson, Peter (ATR) <Peter.Nelson@usdoj.gov>; Kim, Eun-Ha (ATR) <Eun-Ha.Kim@usdoj.gov>
Subject: RE: United States v. Agri Stats, Inc., Case No. 0:23-cv-03009 (D. Minn.)

[EXTERNAL]

Justin,

We've reviewed the paragraphs you cited, some of which contain publicly available information, and we do not believe that any of those paragraphs require redaction. With respect to any materials that may have been marked as confidential or highly confidential during ongoing litigation, please note that the Division has statutory authority to use such materials in an enforcement action. See 15 U.S.C. § 1312(c)(2); 15 U.S.C. § 1313(d)(1). Nevertheless, we have considered whether those materials constitute competitively sensitive information and have concluded that they do not. Finally, we disagree with your assertions regarding Agri Stats' ownership, including any suggestion that the Division provided assurances that information regarding Agri Stats' ownership would not be used in an enforcement action.

Regards,
Mark

From: Bernick, Justin W. <justin.bernick@hoganlovells.com>
Sent: Tuesday, October 3, 2023 1:15 PM
To: Sosnowsky, Mark (ATR) <Mark.Sosnowsky@usdoj.gov>
Cc: Repp, Liles (USAMN) <LRepp@usa.doj.gov>; Friedman, William (ATR) <William.Friedman2@usdoj.gov>; Eberstadt Beattie, Zoe (ATR) <Zoe.EberstadtBeattie@usdoj.gov>; Monts, William L., III <william.monts@hoganlovells.com>; Phibbs, Liam E. <liam.phibbs@hoganlovells.com>; Congdon, James (ATR) <James.Congdon@usdoj.gov>; Dominguez-Reese, Silvia (ATR) <Silvia.Dominguez-Reese2@usdoj.gov>; Nelson, Peter (ATR) <Peter.Nelson@usdoj.gov>; Kim, Eun-Ha (ATR) <Eun-Ha.Kim@usdoj.gov>

Subject: [EXTERNAL] RE: United States v. Agri Stats, Inc., Case No. 0:23-cv-03009 (D. Minn.)

Mark,

The following paragraphs contain confidential Agri Stats information that should be redacted. We have grouped the paragraphs according to the basis for the sensitivity of the information:

- Direct quotations from documents or testimony designated Highly Confidential pursuant to Protective Orders in ongoing litigation:
 - Paragraphs 3, 4, 9, 13 fn. 3, 16 fn. 14, 17, 19 fig. 1, 21, 25, 26, 27, 42 fig. 4, 45, 45 fig. 6, 67, 70, 76, 80 fig. 11, 86, 98, 101.
- Excerpts from Agri Stats reports designated Highly Confidential pursuant to Protective Orders in ongoing litigation:
 - The format of the Agri Stats reports themselves is competitively sensitive. Disclosure of the metrics contained in the reports, and how they are displayed, would allow for competing benchmarking firms to copy Agri Stats' reports.
 - Paragraphs 36 fig. 2, 37 fig. 3, 42 fig. 4, 43 fig. 5, 80 fig. 11.
- References to Agri Stats current ownership structure is non-public and was provided to the Division on the condition that the information would be kept confidential:
 - Paragraph 12.

The Complaint contains references and quotes to material produced by other parties in ongoing litigation who may request additional redactions. Please let us know DOJ's position so we can get a motion on file.

Thanks,
Justin

From: Sosnowsky, Mark (ATR) <Mark.Sosnowsky@usdoj.gov>

Sent: Tuesday, October 3, 2023 9:09 AM

To: Bernick, Justin W. <justin.bernick@hoganlovells.com>

Cc: Repp, Liles (USAMN) <Liles.Repp@usdoj.gov>; Friedman, William (ATR) <William.Friedman2@usdoj.gov>; Eberstadt Beattie, Zoe (ATR) <Zoe.EberstadtBeattie@usdoj.gov>; Monts, William L., III <william.monts@hoganlovells.com>; Phibbs, Liam E. <liam.phibbs@hoganlovells.com>; Congdon, James (ATR) <James.Congdon@usdoj.gov>; Dominguez-Reese, Silvia (ATR) <Silvia.Dominguez-Reese2@usdoj.gov>; Nelson, Peter (ATR) <Peter.Nelson@usdoj.gov>; Kim, Eun-Ha (ATR) <Eun-Ha.Kim@usdoj.gov>

Subject: RE: United States v. Agri Stats, Inc., Case No. 0:23-cv-03009 (D. Minn.)

[EXTERNAL]

Justin,

Thank you for returning the waiver of service.

With respect to your comments regarding potentially confidential information included in the

complaint, please let us know the paragraphs that are of immediate concern and why Agri Stats considers the information to be competitively sensitive so that we can expeditiously consider the request.

Thanks,
Mark

From: Bernick, Justin W. <justin.bernick@hoganlovells.com>
Sent: Monday, October 2, 2023 6:23 PM
To: Sosnowsky, Mark (ATR) <Mark.Sosnowsky@usdoj.gov>
Cc: Repp, Liles (USAMN) <LRepp@usa.doj.gov>; Friedman, William (ATR) <William.Friedman2@usdoj.gov>; Eberstadt Beattie, Zoe (ATR) <Zoe.EberstadtBeattie@usdoj.gov>; Monts, William L., III <william.monts@hoganlovells.com>; Phibbs, Liam E. <liam.phibbs@hoganlovells.com>
Subject: [EXTERNAL] RE: United States v. Agri Stats, Inc., Case No. 0:23-cv-03009 (D. Minn.)

Mark,

Attached is the waiver of service form.

Separately, the complaint contains information designated by Agri Stats (and others) as confidential, the disclosure of which could cause harm to the company. We request that the Division withdraw the complaint until agreed-upon redactions can be made. Please let us know if you agree with this request so that we can seek relief from the Court as necessary.

Thanks,
Justin

From: Sosnowsky, Mark (ATR) <Mark.Sosnowsky@usdoj.gov>
Sent: Thursday, September 28, 2023 2:04 PM
To: Bernick, Justin W. <justin.bernick@hoganlovells.com>
Cc: Repp, Liles (USAMN) <Liles.Repp@usdoj.gov>; Friedman, William (ATR) <William.Friedman2@usdoj.gov>; Eberstadt Beattie, Zoe (ATR) <Zoe.EberstadtBeattie@usdoj.gov>
Subject: United States v. Agri Stats, Inc., Case No. 0:23-cv-03009 (D. Minn.)

[EXTERNAL]

Justin,

Attached, please find a cover letter, a copy of the filed complaint, and related materials filed today in *United States v. Agri Stats, Inc.*, Case No. 0:23-cv-03009 (D. Minn.).

Thank you for agreeing to accept service of the complaint on behalf of Agri Stats. Please respond to this email to confirm receipt, and return the attached waiver of service form at your convenience within the next 30 days.

Regards,
Mark

Mark H.M. Sosnowsky

Senior Litigation Counsel
United States Department of Justice | Antitrust Division
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